IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST

TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

-

WRIT PETITION No.25073 of 1999

Between:

M. Ravinder Reddy S/o Sri Ganga Reddy,
R/o H.No.11-1-8/57/7A, Maruthi Nagar,
Behind Laxmi Kalyana Mandapam, Armoor road,

Nizamabad-503003

..... PETITIONER

AND

The Board of Intermediate Education rep. by

Commissioner & Secretary,
A.P., Nampally, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not giving the benefit of average marks for the missing answer sheet of English Paper-II of Intermediate Public Examination held in April, 1998 and giving the same benefit to other similarly placed students whose answer sheets were not traceable, as arbitrary, illegal, discriminatory and voilative of Art. 14 of Constitution of India and consequently direct the respondent to extend the benefit of average marks to me also and to issue the pass certificate.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondent: MR.T.V.P.PRABHAKAR, S.C. for Board of

Intermediate

THE GOVERNMENT PLEADER FOR HIGHER EDUCATION

The Court made the following:

ORDER:

The petitioner herein appeared for Intermediate Public Examination in March, 1998 with Hall Ticket No.4258745. The result of the petitioner was withheld. The Board of Intermediate Education published a list of eligible candidates for re-examination in August, 1998 and inviting them for counselling. At that stage, it appears that some of the answer scripts in different subjects were found missing and those students were given option in the counseling either to opt for average marks of 35% or to appear for the re-examination in August, 1998. The petitioner, however, was not permitted for counseling and on 30.01.1999 he was sent marks memo informing the result of the petitioner as failed, as he obtained only 21 marks in English Paper-II. The petitioner is therefore before this Court seeking Writ of Mandamus declaring the action of the Board of Intermediate Education in not giving the benefit of average marks to the petitioner as illegal, arbitrary and discriminatory. He also seeks a consequential direction to the respondents to extent the same benefit to him as was given to the other students.

The Board of Intermediate Education has filed a detailed counter affidavit stating that after publishing the list of candidates, whose answer scripts were missing, the Board went on sending for the marks wanting indents for English Paper to different spot valuation camps, that on 26.8.1998-the date for counseling; and that as per the list produced by the Computer, the petitioner's case was missing. Therefore, it was presumed that the answer script of the petitioner was not missing. Further, the Board received the answer script of the petitioner in English Paper-II on 30.1.1999 and immediately the marks memo was prepared and sent to the petitioner. Therefore, it is averred that there is no discrimination and it is alleged that the petitioner failed in the regular examination.

The foundation for claiming the relief in this writ petition is a ground of discrimination. After perusing the counter averments, which were not specifically denied by filing a reply affidavit, it becomes clear that the students whose answer scripts were lost and who were given the benefit of average marks form one class whereas the students, who appeared for the regular examination in April, 1998 and failed in that examination form a different class, and both were treated differently. The submission of discrimination is therefore without merit.

The writ petition, for the above reasons, fails and is accordingly dismissed.

Date: AUGUST 25, 2004. **V.V.S. RAO, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner & Secretary,

Board of Intermediate Education,

Andhra Pradesh, Nampally,

Hyderabad.

2. Two CCs to the Government Pleader for

Higher Education, High Court of A.P.,

Hyderabad (O.U.T)

3. Two C.D. copies.